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|----------------------------------|---|-------------|
| In re Application of             | : |             |
| DIMAURO et al.                   | : |             |
| Application No. 10/774,105       | : | ON PETITION |
| Filed: 02/06/2004                | : |             |
| Attorney Docket No. D0601-700519 | : |             |

This is in response to the renewed petition under 37 CFR 1.137(b), filed October 22, 2008, to revive the application. Petitioner obtained an extension of time for response within the first month. Thus, the renewed petition is filed timely.

The renewed petition is **GRANTED**.

On July 25, 2007, the Office mailed a final Office action, which set a three-month shortened statutory period to reply. No extensions of time were obtained under 37 CFR 1.136(a). Accordingly, the application became abandoned on October 26, 2007, for failure to submit a timely and proper response to the final Office action. A Notice of Abandonment was mailed on February 27, 2008.

The present renewed petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

The USPTO finance records reveal that the Office mistakenly charged petitioner a second petition fee in the amount of \$1,620.00. As no fee is required for filing the present renewed petition, the Office will refund the \$1,620.00 to the Deposit Account.

This application is being referred to Technology Center AU 3761 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

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